



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

October 13, 2017

**By Email**

Stephen R. Coffey, Esq.  
Scott Wendtworth Iseman, Esq.  
Milton L. Williams, Jr., Esq.

**Re:   *United States v. Steven Aiello and Joseph Gerardi*  
      S2 16 Cr. 776 (VEC)**

Dear Counsel:

Please be advised that, while the Government's position is that the following is admissible as direct proof of the charged crimes, in the alternative, the Government may also seek, pursuant to Federal Rule of Evidence 404(b) ("Rule 404(b)"), to introduce evidence of the following uncharged crimes, wrongs, or acts committed or caused to be committed by defendants Steven Aiello ("Aiello") and Joseph Gerardi ("Gerardi"), as proof of the defendants' motive, opportunity, intent, preparation, plan, knowledge, identity, and/or absence of mistake or accident with respect to the charges in the S2 Indictment scheduled for trial in January 2018:

- Aiello and Gerardi each participated in the Buffalo Billion Fraud and Bribery Scheme, as described in Complaint 16 Mag. 6005, at paragraphs 67 through 87, and in the above-captioned Indictment, at paragraphs 37 through 43.
- On or about June 21, 2016, Aiello and Gerardi each made false statements to the Government regarding their participation in the Buffalo Billion Fraud and Bribery Scheme, as described in Complaint 16 Mag. 6005, at paragraph 88, and in the above-captioned Indictment, at paragraphs 68 through 71.

Very truly yours,

JOON H. KIM  
Acting United States Attorney

By: /s/ Janis M. Echenberg  
Janis Echenberg/Robert Boone/  
David Zhou/Matthew Podolsky  
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